MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 16, 2009

(Published October 24, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 16, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, President Johnson.

Absent - Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

Lilligren moved acceptance of the minutes of the special meeting and adjourned session of September 30, 2009 and the regular meeting of October 2, 2009. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

PETITIONS AND COMMUNICATIONS

CLAIMS:

RISK MANAGEMENT (273813)

Claims: Tort Claims Summary Report.

CLAIMS (See Rep):

RISK MANAGEMENT (273814)

Claims: Appeals of decision of Staff Claims Committee.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273815)

Allina Health System Project: Preliminary & final approval to issue bonds as Joint Issue with St. Paul Housing & Redevelopment Authority.

Fairview Health Services: Execution of various documents to amend Series 2008 bonds issued for Fairview Health Services.

Lovell Square: Authorizing application for title registration for properties.

Simpson Housing Services: 2009 Emergency Shelter Grant funding.

Hubbard Broadcasting: Termination & release of redevelopment contract by & among the MCDA, St Croix Partners, LLC, Hubbard Broadcasting & Space Center Enterprises.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273816)

Minneapolis Foreclosure Recovery Rehabilitation Program: Remove Mpls Urban League as developer receiving Neighborhood Stabilization Program award; Award to NH Housing.

HEALTH, ENERGY AND ENVIRONMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273817)

Youth Partner of the Year Award: For Program Year 2008, Employment Action Center, a division of Resource Inc.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

COORDINATOR (273818)

Sustainability Indicators and Targets: Approve Sustainability Indicators and Amend Sustainability Targets.

HEALTH, ENERGY AND ENVIRONMENT and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

REGULATORY SERVICES (273818.1)

Emerald Ash Borer: Ordinances amending the Dutch Elm Ordinance to include any invasive tree pest; regulating the sale, transportation or storage of Elmwood to include Ashwood and other wood infected or infested with an invasive tree pest; and including under the definition of tree servicing the application of pesticides to trees in the list of services requiring a tree servicing license.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273818.2)

Taxpayer Assistance Services: Accept \$28,100 from the Friends of the Medica Skyway Senior Center in State Department of Revenue Grant funds to provide services to low income and disadvantaged Minnesota residents for the 2009 tax season; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273819)

2010 Legislative Agenda: City Attorney proposals.

Mpls Charter Revision: Summaries/work group report for departments of Fire, Mayor/Council Powers, Police; Appointments/Removal.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273820)

Lake Wine & Cheese (404 W Lake St): Grant Off-Sale Liquor License, with conditions.

Vietnam Hong Kong (404 W Broadway): Approve Business License Operating Conditions relating to Grocery, Tobacco and Meat Market Licenses.

Fayo Mart (1120 W Broadway): Grant Grocery, Tobacco and Gasoline Filling Station Licenses, with conditions.

Brix Grocery & Meat (915 W Broadway): Approve Business License Operating Conditions relating to Grocery, Tobacco and Meat Market Licenses, subject to conditions.

Broadway Dollar (908 W Broadway): Approve Business License Operating Conditions relating to Grocery and Tobacco Licenses, subject to conditions.

Broadway Winner (626 W Broadway): Grant Grocery, Tobacco and Ice Producer Dealer/Wholesale Licenses, with conditions.

Monte Carlo (219 3rd Av N): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-2 with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273821)

Licenses: Applications.

REGULATORY SERVICES (273822)

Property at 2222 4th St N: Staff recommendation to rescind order to stay demolition and to authorize demolition of structure.

REGULATORY SERVICES (273823)

Rental Dwelling License at 3639 1st Av S: Revoke license held by Todd Cushman.

REGULATORY SERVICES (273824)

Taxicab Licenses: Issue 45 new licenses to Latino Express; Northstar Taxi; Skybird Taxi; Minneapple Taxi; AAA Taxi; and Ecco Cab.

Newsracks: Ordinance implementing voluntary newsrack standards.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (273825)

Pet Rescue and Resuscitation: Authorize acceptance of pet rescue materials for the Fire Department.

Radiological Emergency Preparedness Training: Accept reimbursement of \$1,020.38 from Hennepin County for training; and Approve appropriation.

POLICE DEPARTMENT (273826)

COPS Technology Program: Accept \$300,000 and execute contract with United States Department of Justice to purchase additional mobile digital computers for squad cars; and Approve appropriation.

Domestic Violence - Grants to Encourage Arrest Policies Grant Program: Accept \$939,954 and execute contract with United States Department of Justice to fund City Attorney staff and domestic violence advocates working with investigators and crime victims in the Police Department's Domestic Assault Unit; Execute contracts with domestic violence advocacy agencies as stated in the grant proposal; and Approve appropriation.

Minneapolis Economic Recovery Strategy - Strategic Information Center: Accept tentative award of \$330,704 and execute contract with Minnesota Department of Public Safety to establish a Center, in cooperation with St. Paul Police Department, to enhance law enforcement State-wide by providing real time information services to police departments; and Approve appropriation.

REGULATORY SERVICES (273827)

Bid for Demolition of Three Structures: OP #7199, accept low bid of Buberl Recycling and Composting, Inc, to accomplish demolition of three structures for the Department of Regulatory Services; and Execute contract.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273828)

Sidewalk Repair and Construction Assessments: a) Public hearing; and b) Comments.

Emergency Operations Training Facility: Increase contract with Ebert, Inc.

Hiawatha Maintenance Facility: Increase contract with Twell Environmental, Inc.

Chicago Ave S Reconstruction: Increase contract with Veit and Company.

Access Minneapolis: Pedestrian Master Plan and Pedestrian Facility Design Guidelines: Approve Plan.

Metropolitan Airports Commission (MAC) Long Term Comprehensive Plan: Letter of comment.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273829)

50th St W and France Ave S Parking Facility (Ewing Municipal Parking Lot): Assessment public hearing.

LynLake Municipal Parking Lot: Assessment public hearing.

Bids: a) OP 7188, Accept bid of AIM Electronics, Inc., for variable message signs; and b) OP 7190 Accept low bid of Diversified Drainage, LLC, for paver installation.

WAYS AND MEANS BUDGET:

BUSINESS INFORMATION SERVICES (BIS) (273830)

2009 Budget Status Report: Update.

FINANCE DEPARTMENT (273831)

2009 Current Refunding Savings Report.

FIRE DEPARTMENT (273832)

2009 Budget Status Report: Update.

POLICE DEPARTMENT (273833)

2009 Budget Status Report: Update.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273834)

Legal Settlement: Symone Taylor v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (273835)

Application Portfolio Division: Authorize additional EOTF technical support position.

Qwest Master Network Interstate Service Agreement: Amend to extend the agreement for three (3) years with three (3) one-year renewal options; and to increase contract value to \$1,900,000.

COMMUNICATIONS (273836)

November 2009 Utility Billing Insert: Snow plowing and shoveling information.

FINANCE DEPARTMENT (273837)

General Obligation Refunding Bonds: Request issuance from Board of Estimate & Taxation.

HUMAN RESOURCES (273838)

Transportation Benefit Plan and Minneflex Plan: a) Adopt the Transportation Benefit Plan; amend current contract with OptumHealth Financial Services; and b) Execute amendments to the Minneflex Plan.

New Horizon Academy: Renew the discount program.

2009 Health Assessment Incentive: Authorize offer of taxable incentives, funded by the Blue Cross and Blue Shield of Minnesota Tobacco Settlement Fund.

Affirmative Action Plan: Approve update.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273839)

Vacations:

Minnesota Ballpark Authority (Part of 3rd Avenue N between 5th and 7th Streets N)

(Parts of Holden Street and 11th Street N)

(Part of 7th Street N bewteen 3rd Avenue N and the BNSF railroad)

(Part of 10th Street N and 3rd Avenue N)

Rezonings:

Cedar Riverside 2nd Addition (1813 3rd Street S)

Minneapolis Brewing Company Addition (1215 Marshall Street NE)

Shree Investments (2912 Pleasant Avenue S)

Zoning Code Text Amendment:

Chapter 547 to allow medical and dental laboratories in Office Residence districts

Chapter 520 to revise the definition of story to allow the 1st story of a building to exceed 14 feet

FILED:

COUNCIL MEMBER (273840)

Announcement: President Barack Obama Proclamation of a National Arts and Humanities Month, 2009.

The following reports were signed by Mayor Rybak on October 20, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **CLAIMS** Committee submitted the following reports:

Claims - Your Committee, having under consideration the appeal filed by James Dale, 5008 Newton Ave S, from the decision of the Staff Claims Committee denying a claim in the amount of \$250 relating to property damage, now recommends that said appeal be granted.

Adopted 10/16/2009.

Absent - Colvin Roy.

Claims - Your Committee, having under consideration the appeal filed by Irene Duranczyk and Thomas Lonergran, 3201 18th Ave S, from the decision of the Staff Claims Committee denying a claim in the amount of \$500 relating to property damage, now recommends that said claim be paid in the amount of \$150.

Adopted 10/16/2009.

Absent - Colvin Roy.

Claims - Your Committee, having under consideration the appeal filed by Frankie Graham, P.O. Box 8902, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$162 relating to vehicle damage, now recommends that said appeal be denied.

Adopted 10/16/2009.

Absent - Colvin Roy.

Claims - Your Committee, having under consideration the appeal filed by Kelly Meyer, 2735 Fernwood St N, Roseville, from the decision of the Staff Claims Committee denying a claim in the amount of \$3,179.02 relating to vehicle damage, now recommends that said claim be denied.

Adopted 10/16/2009.

Absent - Colvin Roy.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for Allina Health System in order to a) refund up to \$250 million in Allina Health Systems Series 2007B bonds; b) refund up to \$120 in Allina Health Systems Series 1998 bonds; and c) issue up to \$50 million in new money to fund projects in Brooklyn Park, Ramsey, Buffalo, Fridley, Cottage Grove, Blaine, and finance renovations and improvements to Mercy Hospital, Unity Hospital, Buffalo Hospital, Abbott Hospital,

United Hospital and the Coon Rapids Clinic, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$420 million in 501(c)(3) Tax-exempt Revenue Bonds as a Joint Issue with the St. Paul Housing and Redevelopment Authority for the Allina Health System Project.

Adopted 10/16/2009. Absent - Colvin Roy. Approved by Mayor Rybak 10/19/2009 (Published 10/20/2009)

Resolution 2009R-468, authorizing the issuance and sale of revenue bonds of the City and the Housing and Redevelopment Authority of The City of Saint Paul on behalf of Allina Health System, the amendment of terms of the Series 2007 Bonds issued on behalf of Allina Health System and the execution of documents, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-468 By Goodman

Authorizing the issuance and sale of revenue bonds of the City and the Housing and Redevelopment Authority of The City of Saint Paul on behalf of Allina Health system, the amendment of terms of the Series 2007 Bonds issued on behalf of Allina Health System and the execution of documents.

Whereas, this Council has received a proposal from Allina Health System, a Minnesota nonprofit corporation (the "Corporation") that the City of Minneapolis (the "City"), acting jointly with The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA," and together with the City, the "Issuer") issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act"), in one or more series or subseries, for the purposes of (a) refunding all or a portion of the outstanding Health Care System Variable Rate Demand Revenue Bonds, Series 2007B (Allina Health System) (the "Series 2007B Bonds"), issued by the Issuer, (b) refunding all or a portion of the outstanding Variable Rate Demand Revenue Bonds (Allina Health System), Series 1998 Periodic Auction Reset (PARS) issued by the Issuer (the "Series 1998 Bonds"; together with the Series 2007B Bonds, the "Refunded Bonds"); (c) financing a project under the Act consisting of the construction of improvements to and remodeling of the Corporation's health care facilities located or to be located in Cities of Minneapolis, Saint Paul, Blaine, Brooklyn Park, Buffalo, Coon Rapids, Cottage Grove, Fridley and Ramsey and the acquisition and installation of items of equipment therein (the "Project"); (d) pay capitalized interest, if any, on the Bonds and any termination payment payable by the Corporation with respect to any interest rate hedge transactions entered into by the Corporation with respect to the Bonds and the Refunded Bonds; (e) funding a reserve fund for a portion or all of the Bonds and (f) paying certain costs of issuance of the Bonds; and

Whereas, at a public hearing, duly noticed and held on October 6, 2009, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to finance the Project and to refund the Series 2007B Bonds, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Project and to refund the Series 2007B Bonds, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$420,000,000 aggregate principal amount of the Bonds in one or more series or subseries under the authority contained in the Act to finance the Project and to refund the Refunded Bonds would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing the City and surrounding area with necessary healthcare facilities, is in the best interest of the City, and the City hereby determines to issue and sell such Bonds; and

Whereas, in connection with the issuance of the Bonds, the City, the HRA and North Suburban Hospital District, Anoka and Ramsey Counties, will enter into a Joint Powers Agreement (the "Joint Powers Agreement"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City and the HRA to the Corporation for the purposes described hereinabove; and

Whereas, pursuant to separate Loan Agreements for each series of Bonds (the "Loan Agreements"), to be entered into between the City, the HRA and the Corporation, drafts of which have been made available to the Council prior to this meeting and which have been reviewed to the extent deemed necessary, the Corporation will issue to the Issuer an Obligation with respect to each series or subseries of Bonds (the "Obligations"). The Obligations will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of October 1, 1998, between the Corporation and Wells Fargo Bank, National Association, as trustee (the "Master Trustee"), as supplemented and amended by Supplemental Indentures thereto (the "Supplemental Indenture") to be entered into between the Corporation and the Master Trustee. Under the Obligation with respect to each series or subseries of Bonds, the Corporation will unconditionally agree to repay the Loan made by the Issuer under the Loan Agreement with respect to such series or subseries of Bonds in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds of such series or subseries, when due. In addition, the Loan Agreement for each series of Bonds contains provisions relating to the payment by the Corporation of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fee of the City and of the HRA with respect to such series of Bonds, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the Issuer and the Corporation deem necessary or desirable for the sale of such Bonds; and

Whereas, pursuant to separate Trust Indentures for each series of Bonds (the "Bond Indentures") to be entered into between the City, the HRA and Wells Fargo Bank, National Association, as Trustee (the "Bond Trustee"), drafts of which have been presented to the Council prior to this meeting and which have been reviewed to the extent deemed necessary, the City assigns and pledges all of its right, title and interest in the Loan Agreement with respect to such Bonds (other than the rights specifically retained by the Issuer including, but not limited to, indemnification and administrative fees and expenses), the Obligation with respect to such series or subseries of Bonds, the Master Indenture and the Supplemental Indenture to the Bond Trustee. In addition, the Bond Indenture for each series of Bonds, among other things, sets the interest rates, maturity dates and redemption provisions for such series of Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the Issuer and the Corporation deem necessary or desirable in connection with the sale of such series of Bonds; and

Whereas, the Bonds will be special limited obligations of the Issuer payable solely from amounts payable under the Obligations by the Corporation and other members of the Obligated Group under the Master Indenture, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City or the HRA be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City or the HRA to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City or the HRA except the Obligations. The Bonds shall not constitute a debt of the City or the HRA within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the Issuer by any of Goldman, Sachs & Co., Wachovia Bank, National Association, Piper Jaffray & Co. and J.P. Morgan Securities Inc. (the "Underwriters") pursuant to separate Bond Purchase Agreements with respect to each series or subseries of Bonds (the "Bond Purchase Agreements") between the City, the HRA, the Corporation and one or more of the Underwriters, drafts of which have been made available to the Council prior to this meeting and which have been reviewed to the extent deemed necessary; and

Whereas, drafts of one or more Official Statements with respect to each series of the Bonds have been made available to the Council prior to this meeting and have been reviewed to the extent deemed

necessary. The Official Statements with respect to a series of Bonds will be distributed by the Underwriters therefor to potential purchasers of such series of the Bonds; and

Whereas, the Issuer has previously issued its Health Care System Variable Rate Demand Bonds, Series 2007C-2 (Allina Health System) (the "Series 2007C-2 Bonds") pursuant to the Act and a Trust Indenture dated as of October 1, 2007, as amended and restated by an Amended and Restated Trust Indenture dated as of June 1, 2008 (the "Series 2007C Indenture"); and

Whereas, the functions of the Remarketing Agent, as defined in the Series 2007C Indenture, for the Series 2007C-2 Bonds are being assigned to Wachovia Bank, National Association, pursuant to an Assignment, Assumption and Amendment of Remarketing Agreement dated as of August 1, 2009; and

Whereas, in conjunction with such assignment, the Remarketing Agent has requested that the Issuer and the Bond Trustee enter into an amendment to the Series 2007C Indenture (the "Series 2007C Amendment"), a draft of which has been made available to the Council prior to this meeting and which has been reviewed to the extent deemed necessary:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in order to provide for the financing of the Project and the refunding of the Refunded Bonds, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series or subseries, in the aggregate principal amount of up to \$420,000,000. The City Finance Officer is hereby authorized to approve the purchase price of the Bonds; the aggregate principal amount of the Bonds, provided that such principal amount is not in excess of \$420,000,000; the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 40 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the initial interest rates for any series or subseries of Bonds, provided that no initial interest rate exceeds 7.50% per annum. Such approval for a series or subseries of Bonds shall be conclusively evidenced by the execution of the Bond Purchase Agreement for such series or subseries of Bonds as provided herein by the City Finance Officer. The issuance of the Bonds is subject to the approval by the Minnesota Department of Employment and Economic Development as required by the Act.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the City Finance Officer. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any officer who shall have signed any of the Bonds shall cease to be such officer of the City before the Bonds so signed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person who signed or sealed such Bonds had not ceased to be such officer of the City.

Be It Further Resolved that the Bond Indentures, the Loan Agreements, the Joint Powers Agreement and the Series 2007C Amendment are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Bond Indentures, the Loan Agreements, the Joint Powers Agreement and the Series 2007C Amendment on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Bond Indentures, Loan Agreements, the Joint Powers Agreement or the Series 2007C Amendment and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Indentures, the Loan Agreements, the Joint Powers Agreement and the Series 2007C Amendment.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriters to potential purchasers of a series of the Bonds of a Preliminary Official Statement with respect to such series of Bonds in substantially the form of the Official Statement with respect to such series of Bonds made available to the Council prior to this meeting if it is determined by the Underwriters and the Corporation to be necessary to distribute a Preliminary Official Statement with respect to such series of Bonds to potential purchasers of such series of Bonds, and consents to the distribution by the Underwriters of the Official Statement with respect to each series of Bonds by the Underwriters to potential purchasers or purchasers of the Bonds of such series in substantially the form submitted to

the Council at this meeting. The City has not and will not participate in the preparation of the Preliminary Official Statement or Official Statement with respect to any series of bonds and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Bond Purchase Agreements are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form made available prior to this meeting and, upon the determination of the terms of a series or subseries of Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement with respect to such series or subseries of Bonds by the Corporation and the applicable Underwriter, the City Finance Officer is hereby authorized and directed to execute the Bond Purchase Agreement with respect to such series or subseries of Bonds on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Purchase Agreement.

Be It Further Resolved that the Series 2007C Amendment is hereby approved, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Series 2007C Amendment on behalf of the City in such form as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Series 2007C Amendment.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indentures, the Loan Agreements, the Joint Powers Agreement, the Series 2007C Amendment or the Bond Purchase Agreements, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Acting Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreements, the Bond Indentures, the Series 2007C Amendment, the Joint Powers Agreement and the Bond Purchase Agreements as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreements, the Bond Indentures, the Series 2007C Amendment, the Joint Powers Agreement and the Bond Purchase Agreements.

Be It Further Resolved that the bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 10/16/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/19/2009.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the execution of various documents to amend the Series 2008 bonds issued on behalf of Fairview Health Services for the Children's Hospital at Fairview Medical Center (25th Ave S and Riverside Ave) to handle the issues raised by the merger of Wells Fargo Bank and Wachovia Bank.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-469, relating to amendment of Trust Indentures for the Health Care System Variable Rate Demand Revenue Bonds (Fairview Health Services for the Children's Hospital at Fairview Medical Center at 25th Ave S and Riverside Ave), was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-469 By Goodman

Relating to amendment of Trust Indentures for the Health Care System Variable Rate Demand Revenue Bonds (Fairview Health Services).

Whereas, pursuant to Minnesota Statutes, Section 469.152 through 469.165, as amended, the City of Minneapolis (the "City") has previously issued on behalf of Fairview Health Services, a Minnesota nonprofit corporation (the "Corporation"), three series of bonds designated as (i) Health Care System Variable Rate Demand Revenue Bonds, Series 2008C, (ii) Health Care System Variable Rate Demand Revenue Bonds, Series 2008D and (iii) Health Care System Variable Rate Demand Revenue Bonds, Series 2008E (Fairview Health Services), (together, the "Bonds"); and

Whereas, the Bonds of each series were issued pursuant to the terms of a separate Trust Indenture, between the Issuer and Wells Fargo Bank, National Association, as trustee, dated as of October 1, 2007 (together, the "Bond Indentures"); and

Whereas, the Corporation has advised the City that it desires to amend each of the Bond Indentures to provide that a commercial bank, national banking association or trust company is permitted to act as the Remarketing Agent (as defined in the Bond Indentures) for any series of Bonds, and the Corporation has requested that the City enter into supplements to each of the Bond Indentures that amend the Bond Indentures for this purpose (together, the "Amendments to Bond Indentures");

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby consents to the supplements to each of the Bond Indentures in order to amend the terms thereof to provide that a commercial bank, national banking association or trust company is permitted to act as Remarketing Agent for any series of the Bonds, and subject to the approval of the forms thereof by City Attorney's Office, the Amendments to Bond Indentures are directed to be executed in the name and on behalf of the City by the City Finance Officer. Any other City documents and certificates necessary in connection with the Amendments to the Bond Indentures shall be executed by the appropriate City officer or officers. The execution of any of the Amendments to Bond Indentures or any other document or instrument by the City Finance Officer or by the appropriate officer or officers of the City shall be conclusive evidence of the approval of such document in connection with the terms hereof.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Amendments to Bond Indentures, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the Amendments to the Bond Indentures, the acting Mayor, Assistant City Clerk, Assistant City Finance Officer or other officer may execute such instrument.

Adopted 10/16/2009.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the Lovell Square affordable housing project title clearance, now recommends passage of the accompanying resolution authorizing the City to file an application for the title registration of land designated for the Lovell Square Project at 1115 Humboldt Ave N and 1425 - 11th Ave N.

Adopted 10/16/2009.

Resolution 2009R-470, authorizing the City to file an application for title registration of land designated as for the Lovell Square Project (property at 1115 Humboldt Ave N and 1425-11th Ave N), was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-470 By Goodman

Authorizing the City to file an application for title registration of land designated as for the Lovell Square Project.

Resolved by The City Council of The City of Minneapolis:

That the City is authorized to file an application for title registration to be signed by the Mayor and the City Clerk, pursuant to Minnesota Statutes, Chapter 508.03(6), for the following parcels of land:

1115 Humboldt Avenue North

1425 11th Avenue North

Adopted 10/16/2009.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends approval of up to \$171,021 of 2009 Emergency Shelter Grant (ESG) funding for Simpson Housing, 2xxx - 1st Ave S, by Simpson Housing Services or an affiliate, and further, approval of the possible transfer of up to \$21,510 from the \$81,510 of 2008 ESG funds awarded to The Salvation Army for Harbor Light to Simpson Housing if the money is not needed by The Salvation Army for window refurbishing.

Adopted 10/16/2009.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends that the City, as assignee of Minneapolis Community Development Agency (MCDA), formally terminate and release the Redevelopment Contract by and among MCDA, St. Croix Partners, L.L.C., Hubbard Broadcasting, Inc. and Space Center Enterprises, Inc., as relates to initial development in the vicinity of properties at 3141 Eustis St SE and 3245 - 4th St SE, as set forth in the Department of Planning & Economic Development staff report.

Adopted 10/16/2009.

Absent - Colvin Roy.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Neighborhood Stabilization Program (NSP) funded Minneapolis Foreclosure Recovery Rehabilitation Program award, now recommends approval of the following staff recommendations:

- a) Remove the Minneapolis Urban League, per their request, as a Developer receiving \$675,000 through the NSP award for the purchase and rehabilitation of 27 foreclosed and/or abandoned properties;
- b) Award NH Housing or as approved by the State of Minnesota \$350,000 in NSP funds for the purchase and rehabilitation of 10 foreclosed or abandoned properties;
- c) Authorize the proper City officers to enter into a contract and related agreements with NH Housing or as approved by the State of Minnesota; and
- d) Authorize the Community Planning & Economic Development Director to distribute the remaining \$325,000 for additional development gap financing on an as needed basis to the non-profit entities participating in the City's Foreclosure Recovery Rehabilitation Program.

Adopted 10/16/2009.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E – Your Committee, having under consideration revisions to Minneapolis' Sustainability Indicators and Targets, now recommends passage of the accompanying resolution amending Resolution 2005R-251 entitled "Adopting the Minneapolis Sustainability Indicators", passed April 29, 2005.

Benson moved to amend the Sustainability Indicator entitled, "Waste Reduction and Recycling NEW" contained in the petition by amending the first bullet point to read as follows:

"Expand the Source-Separated Organics recycling program-citywide by 2013." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-471, amending Resolution 2005R-251 entitled "Adopting the Minneapolis Sustainability Indicators", passed April 29, 2005 relating to Sustainability Indicators and Approving Revisions to Sustainability Targets, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-471 By Benson

Amending Resolution 2005R-251 entitled "Adopting the Minneapolis Sustainability Indicators", passed April 29, 2005 relating to Sustainability Indicators and Approving Revisions to Sustainability Targets.

Whereas, City Council Resolution 2003R-133 called for the creation of a Minneapolis sustainability Plan that "will embrace and enhance ongoing environmental initiatives and help coordinate the City's planning, policymaking and budget processes in a more coherent whole, "and further specified that the Plan will help integrate the three Es – Environment, Economy and Equity (including social justice)" into city operations, and

Whereas, City Council Resolution 2005R-251 adopted Sustainability Indicators based on community involvement of over 100 city residents, city staff and community leaders; and

Whereas, some of the Sustainability Indicators and Targets were revised in 2007 and new Indicators were added in 2008 and 2009 relating to Green Jobs and Local Foods; and

Whereas, the City Council has adopted numerical targets for most of the 24 Sustainability Indicators in order to provide transparency on progress towards our sustainability goals; and

Whereas, the City annually releases its Sustainability Report and Greenprint Report based on these Indicators and Targets and it is appropriate that there be an evaluation of the Sustainability Indicators and Targets; and

Whereas, City staff, the Citizens Environmental Advisory Committee, the Tree Advisory Committee and the Bicycle Advisory Committee have recommended approval of changes to the Sustainability Indicators and Targets;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Sustainability Indicators relating to Stormwater, Healthy Lakes, Waste Reduction and Recycling, Part I Violent Crimes, Community Engagement, Arts and the Economy, and Employment and Poverty be approved.

Be It Further Resolved that Sustainability Targets relating to Lead Poisoning, Climate Change, Renewable Energy, Air Quality, Tree Canopy, Biking, Stormwater, Healthy Lakes, Waste Reduction and Recycling, Part I Violent Crimes, Community Engagement, and Arts and the Economy be amended, as fully set forth in Petn No 273818 on file in the Office of the City Clerk.

Be It Further Resolved that the Department of Community Planning & Economic Development staff be directed to report back to the Health, Energy & Environment Committee on October 19, 2009 with

a recommendation for a target to be placed under the "Employment and Poverty" indicator for reducing the gap in poverty rates between minorities and whites.

Adopted 10/16/2009.

Absent - Colvin Roy.

The HEALTH, ENERGY & ENVIRONMENT and PUBLIC SAFETY & REGULATORY SERVICES Committees submitted the following report:

HE&E & PS&RS - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances relating to Emerald Ash Borer and invasive tree pests, now recommends that said ordinances be given their second reading for amendment and passage:

- a. Amending Title 15, Chapter 399 relating to *Offenses—Miscellaneous: Dutch Elm Disease*, amending the Dutch Elm Ordinance to include any invasive tree pest.
- b. Amending Title 8, Chapter 160 relating to *Consumer Protection: Weights and Measures*, regulating the sale, transportation or storage of Elmwood to include Ashwood and other wood infected or infested with an invasive tree pest.
- c. Amending Title 13, Chapter 347 relating to *Licenses and Business Regulations: Tree Servicing*, including under the definition of tree servicing the application of pesticides to trees in the list of services requiring a tree servicing license.

Adopted 10/16/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-106 amending Title 15, Chapter 399 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Dutch Elm Disease*, amending Sections 399.05, 399.20, 399.40, 399.50, 399.60 and 399.80 to include any invasive tree pest, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-106
By Ostrow
Intro & 1st Reading: 9/18/2009
Ref to: HE&E
2nd Reading: 10/16/2009

Amending Title 15, Chapter 399 of the Minneapolis Code of Ordinances relating to Offenses-Miscellaneous: Dutch Elm Disease.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Title of Chapter 399 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 399. DUTCH ELM DISEASE CONTROL OF INVASIVE SPECIES TREE PESTS

Section 2. That Chapter 399 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 399.05 to read as follows:

399.05. Definitions. As used in this article:

Disease shall mean either an infection or an infestation by a microorganism.

Infestation shall mean a tree that has been overrun by pests.

Invasive species shall mean any invertebrate animal, plant pathogen, parasitic plant or similar or allied organism which can cause a tree to be diseased and/or infested and is determined, by either the Commissioner of the Department of Agriculture of the State of Minnesota or the Commissioner of the Department of Natural Resources of the State of Minnesota, to be a pest causing economic or environmental harm to trees in Minnesota.

Infection shall mean a tree that is:

- (1) contaminated with pathogenic microorganisms;
- (2) being parasitized;
- (3) a host or carrier of an infectious, transmissible, or contagious pest; or
- (4) so exposed to a tree listed in clause (1), (2) or (3) that one of those conditions can reasonably be expected to exist and the tree may pose a risk of contamination to other trees or the environment.

<u>Pestshall mean any living agent capable or reproducing itself that causes or may potentially cause economic or environmental harm to trees through infection and/or infestation.</u>

Tree shall mean deciduous and coniferous trees.

Section 3. That Section 399.20 of the above-entitled ordinance be amended to read as follows: **399.20. Nuisances declared.** The following things are public nuisances whenever they may be found within the city:

- (a) Any living or standing elm tree or part thereof infected to any degree or infested with the Dutch elm disease fungus, Ceratocystis ulmi (Buisman) Mureau, or which harbors any of the elm bark beetles, Scolytus multistriatus (Eich.) or Hylurgopinus rufipes (Marsh.) any invasive species or pest.
- (b) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm tree material from which the bark infested and/or infected part has not been removed and burned or sprayed with an effective elm bark beetle insecticide or pesticide.
- Section 4. That Section 399.40 of the above-entitled ordinance be amended to read as follows: **399.40. Inspections; right to enter.** (a) The park and recreation board, its officers, employees or agents, shall inspect all premises and places within the city as often as practicable to determine whether any condition described in section 399.20 exists therein. They shall investigate all reported incidents of <u>an infection or</u> infestation by Dutch elm fungus or elm bark beetles <u>an invasive species tree pest</u>.
- (b) The park and recreation board, or its duly authorized officers, employees or agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them under this chapter.
- (c) The park and recreation board, its officers, employees or agents, upon finding conditions indicating Dutch elm an invasive species tree pest infection and/or infestation, immediately shall take and send appropriate specimens or samples to the Commissioner of Agriculture (Bureau of Plant Industry) State of Minnesota, for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner of Agriculture. No action to remove infected trees or wood shall be taken until positive diagnosis of the disease pest has been made.
- (d) Within five (5) days of receipt of the diagnosis, the owner of the property from which the specimen was obtained shall be notified of the result by registered mail personal delivery or first class mail.
- Section 5. That Section 399.50 of the above-entitled ordinance be amended to read as follows: 399.50. Abatement generally. In abating the nuisances defined in section 399.20, the park and recreation board, its officers, employees and agents shall cause the infected or infested tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch elm disease fungus and elm bark beetles the invasive species tree pest. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designated by the Commissioner of Agriculture of the State of Minnesota or by the Commissioner of Natural Resources of the State of Minnesota. The park and recreation board through its Director of Forestry or other appropriate Park Board designee shall establish specifications for tree removal and disposal methods consistent therewith.

Section 6. That Section 399.60 of the above-entitled ordinance be amended to read as follows: **399.60. Abatement on private property.** (a) Whenever the park and recreation board, its officers, employees and agents, find with reasonable certainty that the <u>infection and/or</u> infestation defined in section 399.20 exists in any tree or wood located on private property, outside of any public way in the city, they shall notify by <u>registered or certified mail personal delivery or first class mail</u>, the owner or person in control of such property on which the nuisance is found, of the <u>infection and/or</u> infestation, and direct that the <u>infection and/or</u> infestation shall be removed and burned, or otherwise, effectively

treated in an approved manner by such owner within ten (10) days after receipt of such notice. The notice shall also state that if such nuisance shall not have been abated by the owner within the time provided, the owner or person in charge may be charged with a violation of this chapter for maintaining a nuisance and that the city by and through its park and recreation board may abate the nuisance and assess the costs against said property.

(b) If the owner or person in control of any private premises upon which such a tree is situated fails to have such a tree so removed and burned or otherwise effectively treated, within ten (10) days after receipt of notification by mail, the park and recreation board, its officers, employees and agents, shall proceed to have such tree removed and burned, or otherwise effectively treated, and any expense incurred by the city in so doing shall be a charge and lien upon the said property and shall be collected as a special assessment in the same manner as other special assessments.

Section 7. That Section 399.80 of the above-entitled ordinance be amended to read as follows: **399.80. Sale, storage and transportation of elmwood, ashwood prohibited.** It shall be unlawful for any person to transport, store or sell within the city any bark bearing elmwood, ashwood or any wood of a tree that has been infected or infested by an invasive species, without having obtained a permit from the park and recreation board. The park and recreation board shall grant such permits only when the purpose of this chapter shall be served thereby.

Adopted 10/16/2009. Absent - Colvin Roy.

Ordinance 2009-Or-107 amending Title 8, Chapter 160 of the Minneapolis Code of Ordinances relating to *Consumer Protection: Weights and Measures*, amending Section 160.255 to regulate the sale, transportation or storage of Elmwood to include Ashwood and other wood infected or infested with an invasive tree pest, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-107
By Ostrow
Intro & 1st Reading: 9/18/2009
Ref to: HE&E
2nd Reading: 10/16/2009

Amending Title 8, Chapter 160 of the Minneapolis Code of Ordinances relating to Consumer Protection: Weights and Measures.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 160.255 of the above entitled ordinance be amended to read as follows:

160.255. Sale, storage and transportation of elmwood <u>or ashwood</u> prohibited. It shall be unlawful for any person to transport, store or sell within the city any bark bearing elmwood, <u>ashwood or any wood of a tree that has been infected or infested by an invasive species</u>, without having obtained a permit from the park and recreation board as provided by section 399.80 of this Code.

Adopted 10/16/2009. Absent - Colvin Roy.

Absent - Colvin Roy

Ordinance 2009-Or-108 amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tree Servicing*, amending Section 347.10 to include under the definition of tree servicing the application of pesticides to trees in the list of services requiring a tree servicing license, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-108
By Ostrow
Intro & 1st Reading: 9/18/2009
Ref to: HE&E
2nd Reading: 10/16/2009

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 347.10 of the above-entitled ordinance be amended to read as follows: **347.10. Defined**. "Tree servicing" shall mean the felling, grinding, chipping, cutting, trimming, removal or hauling from the city of trees, limbs, branches, stumps or roots which are two (2) inches or more in diameter at the point of cutting or contact. "Tree servicing" shall also mean the application of pesticides to a tree.

Adopted 10/16/2009. Absent - Colvin Roy.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept from the Friends of the Medica Skyway Senior Center \$28,100 in State Department of Revenue grant funds to provide taxpayer assistance services to low income and disadvantaged Minnesota residents. Further, passage of the accompanying Resolution appropriating \$28,100 to the Department of Health & Family Support.

Adopted 10/16/2009.

Absent - Colvin Roy.

RESOLUTION 2009R-472 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Other Fund (01600-8600112) by \$28,100 and increasing the Revenue Source (01600-8600112 – Source 372001) by \$28,100.

Adopted 10/16/2009.

Absent - Colvin Roy.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending

Title 17, Chapter 464 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Newsracks*, implementing voluntary newsrack standards, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/16/2009.

Ordinance 2009-Or-109 amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Newsracks*, amending Sections 464.100 and 464.190 to implement voluntary newsrack standards, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-109
By Remington
Intro & 1st Reading: 9/18/2009
Ref to: PS&RS
2nd Reading: 10/16/2009

Amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Newsracks.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 464.100 (o) and (p) of the above-entitled ordinance be amended to read as follows:

464.100. Specific prohibitions. No newsrack shall be installed:

- (o) That exceeds thirty-six (36) inches in height and is within a distance of twenty (20) feet from the nearest curb of any intersecting street as measured from a straight line extension of the nearest curb of the intersecting street prior to the beginning of the corner curb section. If there is no curb on the intersecting street, the measurement shall be made from the nearest improved surface of the intersecting street. For the purposes of this paragraph, the height limitation does not include the height of a coin box or other attachment that is attached to the top of the newsrack that is nine (9) inches in width or less and eight (8) inches in depth or less. For purposes of this paragraph, lock guards, lock sleeves, rain-guards, coin-return buttons, and other small protuberances from the coin box or other attachment.
- (p) That exceeds thirty-six (36) inches in height and is within a distance of ten (10) feet from any curb cut of any alley intersecting a street. In the absence of a curb, the measurement shall be made from the nearest improved surface of the intersecting alley. For the purposes of this paragraph, the height limitation does not include the height of a coin box or other attachment that is attached to the top of the newsrack that is nine (9) inches in width or less and eight (8) inches in depth or less. For purposes of this paragraph, lock guards, lock sleeves, rain-guards, coin-return buttons, and other small protuberances from the coin box or other attachment will not be included in the measurements of the coin box or other attachment.

Section 2. That Section 464.190 of the above-entitled ordinance be amended to read as follows: **464.190.** Effective date. (a) This chapter shall be effective as of October 1, 2009.

(b) Notwithstanding paragraph (a) of this section, Sections 464.30, 464.40, 464.60, 464.90(e) and 464.120(b) shall not be effective until this paragraph is further amended to provide a specific effective date for each of these sections or parts of sections.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Lake Wine & Cheese, 404 W Lake St, for an Off-Sale Liquor License, subject to conditions.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-473, granting the application of Lake Wine & Cheese, 404 W Lake St, for an Off-Sale Liquor License, subject to conditions, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-473 By Samuels

Granting the application of Lake Wine & Cheese, 404 W Lake St, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Metro Liquor Warehouse Inc, dba Lake Wine & Cheese, 404 W Lake St, for an Off-Sale Liquor License (new business) to expire July 1, 2010, subject to the following conditions:

- 1. The business will deploy and maintain an electronic identification card scanner beginning within 30 days of opening.
- 2. The business will not sell beer or any other malt beverages in singles, unless the container holds more than 16 ounces.
 - 3. The business will not sell wine or distilled spirits in quantities of 100 milliliters or less.
- 4. The business will clean the property of litter and trash daily, including the area within 100 feet of the property lines.
- 5. All windows will remain 70% clear of signage or other obstruction and otherwise comply with Minneapolis Ordinance 530.110.
- 6. The business will not allow panhandling nor any form of solicitation within 10 feet of their property and will report to police any violations of Minneapolis Ordinance 385.60. The business will not have transactions with any known panhandler.
 - 7. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Vietnam Hong Kong, 404 W Broadway.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-474, approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Vietnam Hong Kong, 404 W Broadway, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-474 By Samuels

Approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Vietnam Hong Kong, 404 W Broadway.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Vietnam Hong Kong, 404 W Broadway:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out as is specified in Minneapolis Ordinance 543.350.
- 5. The owner shall comply with the Surveillance Camera Ordinance. Additionally, the business will install two exterior cameras.
- 6. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Fayo Mart, 1120 W Broadway, for Grocery, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-475, the application of Fayo Mart, 1120 W Broadway, for Grocery, Tobacco and Gasoline Filling Station Licenses, subject to conditions, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-475 By Samuels

Granting the application of Fayo Mart, 1120 W Broadway, for Grocery, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Fayo Mart LLC, dba Fayo Mart, 1120 W Broadway, for Grocery, Tobacco and Gasoline Filling Station Licenses, to expire April 1, 2010, subject to the following conditions:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
 - 5. The owner shall comply with the Surveillance Camera Ordinance.

- 6. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
 - 8. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Brix Grocery & Meat, 915 W Broadway.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-476, approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Brix Grocery & Meat, 915 W Broadway, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-476 By Samuels

Approving Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Brix Grocery & Meat, 915 W Broadway.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Tobacco and Meat Market Licenses held by Brix Grocery & Meat, 915 W Broadway:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will be 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity and cooperate fully in the prosecution of criminal activity.
- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
- 5. The owner shall comply with the Surveillance Camera Ordinance. Additionally, the business will install two exterior cameras.
- 6. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/16/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Broadway Dollar, 908 W Broadway.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-477, approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Broadway Dollar, 908 W Broadway, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-477 By Samuels

Approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Broadway Dollar, 908 W Broadway.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Broadway Dollar, 908 W Broadway:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
- 5. The owner shall comply with the Surveillance Camera Ordinance. Additionally, the business will install two exterior cameras.
- 6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee, to whom as referred back on October 2, 2009 a report relating to the application of Broadway Winner, 626 W Broadway, for Off-Sale Beer, Grocery, Gasoline Filling Station and Tobacco Licenses, subject to conditions, now recommends passage of the accompanying resolution granting the application of Broadway Winner, 626 W Broadway, for Grocery, Tobacco and Ice Producer Dealer/Wholesale Licenses, subject to conditions.

Adopted 10/16/2009.

Resolution 2009R-478, granting the application of Broadway Winner, 626 W Broadway, for Grocery, Tobacco and Ice Producer Dealer/Wholesale Licenses, subject to conditions, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-478 By Samuels

Granting the application of Broadway Winner, 626 W Broadway, for Grocery, Tobacco and Ice Producer Dealer/Wholesale Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Rod Petrleum Inc, dba Broadway Winner, 626 W Broadway, for Grocery, Tobacco and Ice Producer Dealer/Wholesale Licenses (new business) to expire April 1, 2010, subject to the following conditions:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
 - 5. The owner shall comply with the Surveillance Camera Ordinance.
- 6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuses container be overfilled so that the cover cannot be completely closed at all times.
 - 8. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-479, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-479 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273821):

Off-Sale Liquor, to expire October 1, 2010

Wallis Inc, dba Ken and Norm's Liquor, 4801 Chicago Av

On-Sale Liquor Class A with Sunday Sales, to expire September 27, 2009

La Vina Restaurant Inc, dba La Vina Restaurant, 3010 4th Av S (temporary extension of hours until 1:00 a.m. on September 27, 2009)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2010

Aramark Food Service LLC, dba Aramark Food Service, 600 1st Av N (new corporate members)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2010

Lama Rinpo, Rabka Rabka & Nyima Choeda, dba Gangchen Restaurant, 1833 Nicollet Av

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2010

Las Mojarras Restaurant Bar, dba Las Mojarras Restaurant Bar, 1507 E Lake St (internal transfer of shares)

Las Mojarras Restaurant Bar, dba Las Majarras Restaurant Bar, 1507 E Lake St

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2010

Sega Entertainment USA Inc, dba Gameworks, 600 Hennepin Av #110

Catering Central Inc, dba The Bridgewood Cafe, 3001 Broadway St NE

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 31, 2009

K & K Hospitality LLC, dba Erte & Peacock Lounge at Erte, 1302 University Av NE (temporary expansion of class of entertainment on one night, October 31, 2009)

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

RCSH Operations Inc, dba Ruth's Chris Steakhouse, 920 2nd Av S, Suite 100

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2010

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N

Restaurants Unlimited Inc. dba Palomino, 825 Hennepin Av

Dine & Dash Inc, dba Town Talk Diner, 2707 E Lake St

Liquor Catering Services, to expire August 1, 2010

Mintahoe Inc, dba Mintahoe Hospitality Group, 2117 W River Rd (Minneapolis Park and Recreation Board)

Prom Catering, dba Prom Catering, 3300 Central Av NE

Temporary On-Sale Wine

Cookie Cart, 1119 W Broadway (Fundraiser October 29, 2009, 6:00 p.m. to 9:00 p.m. at Art Institute MN, 15 S 9th St

Off-Sale Beer, to expire April 1, 2010

961 Group Inc, dba Winner on 46, 400 E 46th St (new proprietor)

Jova Foods Inc, dba Nokomis Market, 3319 E 54th St (new proprietor)

Temporary On-Sale Beer

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5425 11th Av S (October 2, 2009, 5:30 p.m. to Midnight; and October 3, 2009, Noon to Midnight).

Adopted 10/16/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-480, granting applications for Business Licenses, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-480 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 16, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273821):

Amusement Devices; Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Carnival; Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Caterers; Confectionery; Farm Produce Permits; Food Manufacturer; Drive In Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Precious Metal Dealer; Residential Specialty Contractor; Exhibition Operator Class C; Sign Hanger; Solicitor - Individual; Suntanning Facility; Swimming Pool - Public; Taxicab Limited; Theater Zone I; Theater Zone III.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-481, granting applications for Gambling Licenses, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-481 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273821):

Gambling Class B

St. Lawrence Catholic Church, dba St. Lawrence Catholic Church,

1201 5th St SE (Bingo November 20, 2009)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Cloggy's, 5404 34th Av S)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Adrians Bar & Grill, 4812 Chicago Av S)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Hexagon Bar, 2600 27th Av S)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Pepito's, 4820 Chicago Av S)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Em Company Services, dba Driftwood,

4415 Nicollet Av)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Schooner, 2901 27th Av S)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: Sunrise Inn, 4653 34th Av S)

Gambling Exempt

Make a Wish Foundation, dba Make A Wish Foundation of Minnesota,

615 1st Av NE #415 (Raffle November 8, 2009, Minneapolis Convention Center,

1301 2nd Av S)

March of Dimes, dba March of Dimes Foundation, 5233 Edina Industrial Blvd, Edina (Raffle November 12, 2009, McNamara Alumni Center, 200 Oak St SE)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle and Pulltabs November 14, 2009)

St. Boniface Council of the Catholic Aid, dba St. Boniface Council of the Catholic Aid (Raffle, Paddlewheels, Pulltabs November 24, 2009)

AGC of Minnesota Foundation, dba AGC of Minnesota Foundation,

525 Park St #110 (Raffle February 23, 2010, Minneapolis Convention Center)

Our Saviors Outreach Ministries, dba Our Savior's Outreach Ministries,

2315 Chicago Av S (Raffle October 29, 2009, Midtown Global Market).

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Monte Carlo, 219 3rd Av N.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-482, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Monte Carlo, 219 3rd Av N, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-482 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Monte Carlo, 219 3rd Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 2, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months, employees of Monte Carlo sold alcohol to persons under the age of 21, in violation of Minneapolis Ordinances, State Statute, and the established compliance check police and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. The Minneapolis Licenses & Consumer Services Division will impose \$3,000 in lieu of a license suspension and as a sanction for cost recovery purposes. \$2,500 will be stayed as long as no same or similar violations occur within a period of two years.
- 2. Provide an updated alcohol service policy to the Division of Licenses & Consumer Services due at the time of the signing of the agreement to include all of the following:
- a. A written comprehensive policy covering employee training for beverage alcohol service with the policy to include: training verifying customer identification and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.
- b. Indicate in the policy managers and/or ownership role to assist servers at any time should a member of the wait staff have questions regarding the age of a patron.
- c. Indicate in the policy any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check.
- d. Indicate in the policy whenever a staff meeting is held alcohol service and proof of age policies will be a standing agenda item.
- e. Provide a copy of the signage that is currently posted in the establishment that reminds staff they must refuse service to anyone that is under the age of 21 and also provide a list of locations where the signs are posted.
- 3. Provide alcohol service training from an outside service provider. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses & Consumer Services within 10 days of completing the training.
- 4. Institute a self check program with underage decoys. These self checks must be conducted four times a year with the first check to occur within 30 days from this agreement being approved by full City Council.
- 5. Attend the monthly downtown bar meeting at least three times within one year of this agreement being approved by the City Council.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the issuance of 45 new taxicab vehicle licenses in accordance with Section 341.300 of the Minneapolis Code of Ordinances, now recommends that the following service companies be granted new taxicab vehicle licenses as non-transferable licenses:

10 licenses to Latino Express;

7 licenses to Northstar Taxi;

9 licenses to Skybird Taxi;

4 licenses to Minneapple Taxi;

5 licenses to AAA Taxi;

10 licenses to Ecco Cab.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the property located at 2222 4th Street North, which has been determined by the Inspections Division to constitute a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on January 9,

2009 having stayed the Order for Demolition and authorized a Restoration Agreement with the property owner; and said Restoration Agreement having expired August 9, 2009 with the owner having failed to complete the necessary work, now recommends that the staff recommendation to rescind the stay of demolition and authorize demolition be **sent forward without recommendation**.

Hofstede moved that the report be referred back to the PS&RS Committee. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

PS&RS-Your Committee, having under consideration the Rental Dwelling License held by Todd J Cushman for the property located at 3639 1st Av S, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to delinquent assessments on the rental property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/16/2009.

Absent - Colvin Roy.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$300,000 and execute a contract with the United States Department of Justice, COPS Office, to purchase additional mobile digital computers (MDCs) for squad cars. Further, passage of the accompanying resolution appropriating \$300,000 to the Police Department.

Adopted 10/16/2009.

Absent - Colvin Roy.

RESOLUTION 2009R-483 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4004110) by \$300,000 and increasing the Revenue Source (01300-4004110-321010) by \$300,000.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee, having under consideration the federal Grants to Encourage Arrest Policies Grant Program, now recommends that the proper City officers be authorized to:

- a. Accept a grant award of \$939,954 and execute a contract with the United States Department of Justice, Office on Violence Against Women, to continue funding City Attorney staff and domestic violence advocates working with investigators and crime victims in the Police Department's Domestic Assault Unit.
- Execute contracts with domestic violence advocacy agencies as stated in the grant proposal.
 Further, passage of the accompanying resolution appropriating a total of \$939,954 to the City
 Attorney's Office and the Police Department.

Adopted 10/16/2009.

RESOLUTION 2009R-484 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. Increasing the appropriation for the Police Department Agency in the Grants Federal Fund (01300-4003140) by \$564,841.
- b. Increasing the appropriation for the City Attorney Agency in the Grants Federal Fund (01300-1400100) by \$375,140.
 - c. Increasing the Revenue Source (01300-4003140-321010) by \$939,954.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a tentative award of \$330,704 and execute a contract with the Minnesota Department of Public Safety, Office of Justice Programs, Recovery Act Justice Assistance Grant, for the Police Department to establish a Strategic Information Center, in cooperation with the St. Paul Police Department, to enhance law enforcement State-wide by providing real time information services to police departments. Further, passage of the accompanying resolution appropriating \$330,704 to the Police Department.

Adopted 10/16/2009.

Absent - Colvin Roy.

RESOLUTION 2009R-485 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002725) by \$330,704 and increasing the Revenue Source (01300-4002725-321010) by \$330,704.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of pet rescue materials for the Fire Department.

Adopted 10/16/2009.

Absent - Colvin Roy.

RESOLUTION 2009R-486 By Samuels and Ostrow

Authorizing the acceptance of pet rescue materials for the Fire Department.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of pet oxygen mask kits, valued at \$1,140, from Invisible Fence Company of Minnesota, to assist the Fire Department with pet rescue and resuscitation procedures.

Adopted 10/16/2009.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2009 Radiological Emergency Preparedness State Grant, now recommends that the proper City officers be authorized to accept reimbursement, in the amount of \$1,020.38 from Hennepin County for Radiological Emergency Preparedness training. Further, passage of the accompanying resolution appropriating \$1,020.38 to the Fire Department.

Adopted 10/16/2009. Absent - Colvin Roy.

RESOLUTION 2009R-487 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Other Fund (01600-2800700) by \$1,020.38 and increasing the Revenue Source (01600-2800700-321513) by \$1,020.38.

Adopted 10/16/2009.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7199 submitted by Buberl Recycling and Composting, Inc., in the amount of \$49,450, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of three structures for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 10/16/2009.

Absent - Colvin Roy.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration proposed assessments for the repair and construction of public sidewalks, and having held a public hearing thereon, now recommends that the following properties be removed from the assessment list pending further investigation by staff:

a)	4827 33rd Ave S	Property ID 18-028-23-23-0011	\$985.59
b)	2708 49th St E	Property ID 13-028-24-13-0056	\$479.42
c)	4801 Aldrich Ave N	Property ID 12-118-21-31-0162	\$1,913.32
d)	5336 30th Ave S	Property ID 13-028-24-44-0098	\$725.40
e)	4909 32nd Ave S	Property ID 18-028-23-23-0099	\$545.25
f)	3801 Xerxes Ave S	Property ID 08-028-24-12-0009	\$1,636.16

Your Committee further recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273828.

Glidden moved that the resolution be amended by adding the following changes to the Sidewalk Assessment List:

That the proposed assessment for the property located at 4827 33rd Ave S be removed from the proposed 2010 assessment roll and placed on the 2011 proposed assessment roll after warranty work has been completed.

That the proposed assessment for the property located at 3107 52nd St E be removed from the proposed 2010 assessment roll.

That the proposed assessment for the property located at 5316 Irving Ave S be removed from the proposed 2010 assessment roll and placed on the 2011 proposed assessment roll after sidewalk sections damaged by the Park Board are replaced.

That the proposed assessment for the property located at 5336 30th Ave S, be reduced by one-half, from \$725.40 to \$362.70.

That the proposed assessment for the property located at 5517 41st Ave S, in the amount of \$765.55, be waived.

Further, that the remaining properties listed in the report be returned to the assessment list. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended was adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-488, adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273828, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-488 By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273828.

Whereas, a public hearing was held on October 6, 2009 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 4832 13th Ave S, Property ID 14-028-24-13-0088, in the amount of \$222.92, be removed from the assessment roll;

That the assessment period for the proposed assessment for the property identified as 5159 Logan Ave N, Property ID 11-118-21-12-0144, in the amount of \$1,418.90, be extended from five (5) to ten (10) years;

That the proposed assessment for the property located at 4827 33rd Ave S, Property ID 18-028-23-23-0011, in the amount of \$985.59, be removed from the proposed 2010 assessment roll and placed on the 2011 proposed assessment roll;

That the proposed assessment for the property located at 3107 52nd St E, Property ID 18-028-23-33-0052, in the amount of \$109.10, be removed from the proposed 2010 assessment roll;

That the proposed assessment for the property located at 5316 Irving Ave S, Property ID 16-028-24-34-0178, in the amount of \$721.21, be removed from the proposed 2010 assessment roll and placed on the 2011 proposed assessment roll;

That the proposed assessment for the property located at 5336 30th Ave S, Property ID 13-028-24-44-0098, be reduced by one-half, from \$725.40 to \$362.70.

That the proposed assessment for the property located at 5517 41st Ave S, Property ID 19-028-23-12-0123, in the amount of \$765.55, be waived;

That the proposed assessments against the affected properties on the list dated August 24, 2009 set forth in Petn No 273828, less prepayments received, in the total amount of \$1,330,890.97 and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$1,327,523.90 as a result of the above reduction, and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1,500 be collected in ten (10) successive equal annual principal installments beginning on the 2010 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1,500 be collected in five (5) successive equal annual principal installments beginning on the 2010 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2010 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/16/2009.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the construction of the Emergency Operations Training Facility, now recommends that the proper City officers be authorized to execute Change Order No 1 to Contract C-26968 with Ebert, Inc., increasing the contract by \$216,060.38, for a revised contract total of \$4,413,752.38, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted 10/16/2009.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration hazardous materials abatement at the Hiawatha Maintenance Facility, now recommends that the proper City officers be authorized to execute Change Order No 1 to Contract C-26188 with Twell Environmental, Inc., increasing the contract by \$94,003, for a revised contract total of \$249,805, to allow for construction contingencies and work not included in the original scope of the project. No additional appropriation required.

Adopted 10/16/2009.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the Chicago Ave S Street Reconstruction Project, now recommends that the proper City officers be authorized to increase Contract C-26809 with Veit and Company by \$52,122.82, for a revised contract total of \$1,044,971.40, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted 10/16/2009.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the Access Minneapolis: Pedestrian Master Plan, now recommends approval of the *Minneapolis Pedestrian Master Plan* with the following amendments:

3.2.2 Enforce traffic laws.

The City will investigate opportunities to improve enforcement of traffic violations that endanger pedestrians. One option is the use of crosswalk "stings," whereby police officers, behaving in accordance with traffic laws, provide education, warnings, and citations to motorists who violate traffic laws in a particular location. To ensure public support of these operations, crosswalk stings are typically well-publicized in advance and provide clear identification of the crosswalk, sight distance, and the presence of pedestrians. Another option is to prioritize investigating crashes involving pedestrians and prosecuting the responsible party.

3.5.2 Investigate potential improvements to the current crosswalk marking policy practice.

The City will evaluate its current policy practice for the placement and design of crosswalk pavement markings, in particular the appropriate use of standard (transverse) crosswalk markings and high-visibility (longitudinal) crosswalk markings, as well as potential appropriate use of other crosswalk marking designs, considering best practices for pedestrian safety, and the costs of installing and maintaining crosswalk markings, and potential revenue streams for maintaining crosswalk markings, and Pedestrian Advisory Committee input. The results of this evaluation and potential revisions to the crosswalk marking practice will be reported to the City Council.

5.1.5 Explore reducing city snow clearance responsibilities on pedestrian facilities.

The City will explore strategies including public/private partnerships for reducing City responsibilities for snow and ice clearance on pedestrian facilities on or adjacent to public property.

Further, that staff be directed to develop language to be included in Goal 1 of the Plan, "A Well-Connected Walkway System", regarding existing sidewalks adjacent to park property that are in poor condition.

Glidden moved that Objective 4.4.3 of the Pedestrian Master Plan be amended to read as follows:

4.4.3 Continue to implement the Art in Public <u>Places</u> Spaces program <u>and other arts</u> partnership that enhance the pedestrian environment.

The City will continue to implement the successful Art in Public <u>Places</u> Spaces program to integrate public art into the pedestrian environment. <u>The City will also support other arts partnerships that enhance the pedestrian environment and that comply with City policies and regulations.</u> Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

Glidden moved to amend the first bullet point in Objective 5.2 of the Pedestrian Master Plan, "Maintain Sidewalks Good Repair", to read as follows:

• Property assessments do not apply to public property. Land owned by public agencies, such as the Minneapolis Park and Recreation Board (MPRB), Minneapolis Public Schools (MPS), and government buildings, cannot be assessed in the same manner as private property, and public funds must be used to repair these sidewalks. This issue was also addressed in Chapter 4. The City's Sidewalk Inspections Division coordinates its annual sidewalk repair program with other public entities, such as MPRB and MPS, allowing these public entities to use the City's sidewalk inspectors and sidewalk repair contractor for sidewalk repair along streets adjacent to these public properties. Depending upon their budgets and priorities, these public entities may or may not choose to coordinate their sidewalk repair needs with the annual sidewalk repair program. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

Glidden moved to amend the Pedestrian Master Plan by adding a new Objective 5.2.3 to read as follows:

<u>5.2.3 Continue to coordinate the annual sidewalk repair program with repair of sidewalks</u> adjacent to public property.

The City will continue to work with the Minneapolis Park and Recreation Board, Minneapolis Public Schools, and other public entities to support and encourage coordinated inspection and repair of sidewalks adjacent to public property with the annual sidewalk repair program. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon moved to amend the report by deleting the amendment to Objective 3.5.2 and substituting the following language:

3.5.2 Investigate potential improvements to the current crosswalk marking policy practice.

The City will evaluate its current policy practice for the placement and design of crosswalk pavement markings at intersections and midblock locations, in particular the appropriate use of standard (transverse) crosswalk markings and high-visibility (longitudinal) crosswalk markings, as well as potential appropriate use of other crosswalk marking designs, considering best practices for pedestrian safety, and the costs of installing and maintaining crosswalk markings, and potential revenue streams for maintaining crosswalk markings, and Pedestrian Advisory Committee input. The results of this evaluation and potential revisions to the crosswalk marking practice will be reported to the City Council. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon moved that Objective 4.6.1 of the Pedestrian Master Plan be amended to read as follows:

4.6.1 Develop tree and landscaping design guidelines.

The City in coordination with the Minneapolis Park and Recreation Board will develop and implement guidelines for trees and landscaping in the public right-of-way, consistent with previous City

Council direction. These guidelines will be published as Chapter 9 of the Access Minneapolis Design Guidelines for Streets and Sidewalks. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hofstede moved that Objective 5.1.2 of the Pedestrian Master Plan be amended to read as follows:

5.1.2 Establish priorities for sidewalk snow clearance, <u>including high pedestrian traffic</u> <u>areas.</u>

The City will build upon existing priorities for snow and ice clearance on sidewalks to establish a hierarchy of pedestrian facilities for prioritized snow and ice and clearance. The City will focus enforcement of private property responsibilities and City responsibilities for snow and ice clearance according to this priority system, as is currently done for snow clearance on streets. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/16/2009.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the Metropolitan Airports Commission (MAC) Long Term Comprehensive Plan, now recommends that a letter of comment be sent to the Metropolitan Airports Commission on behalf of the City of Minneapolis regarding the Long Term Comprehensive Plan.

Adopted 10/16/2009.

Absent - Colvin Roy.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the 50th St W and France Ave S Parking Facility, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2008 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-489, adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2008 operation and maintenance of the 50th St W and France Ave S Parking Facility, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-489 By Colvin Roy and Ostrow

Adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2008 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Whereas, the total amount of the proposed special assessments is \$12,729.81 and consists of 2008 operation and maintenance costs through December 31, 2008; and

Whereas, a public hearing was held on October 6, 2009 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the operation and maintenance, to consider the proposed special assessments as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments in the total amount of \$12,729.81, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2010 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/16/2009.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee, having under consideration the Lyn/Lake Parking Facilities, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments for payable 2010, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Municipal Parking Facilities.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-490, adopting the special assessments for payable 2010, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-490 By Colvin Roy and Ostrow

Adopting the special assessments for payable 2010, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities, and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2010 to be \$52,941.41 as contained in Petn No 273829 on file in the office of the City Clerk; and

Whereas, a public hearing was held on October 6, 2009 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the proposed special assessments for payable 2010 as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for payable 2010 in the total amount of \$52,941.41 as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2010 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/16/2009.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

- a) OP 7188, Accept low responsive bid of AIM Electronics, Inc., in the amount of \$118,320, to furnish and deliver eight (8) variable message signs; and
- b) OP 7190, Accept low bid of Diversified Drainage, LLC, in the amount of \$42,878.26, to furnish and deliver all materials and labor for paver installation for the Public Works Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/16/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/19/2009.

(Published 10/20/2009)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-491, authorizing settlement of *Symone Taylor v. City of Minneapolis*, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-491 By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Symone Taylor v. City of Minneapolis*, by payment of \$15,000 to Symone Taylor, and her attorneys, Albert T. Goins and Damon Ward, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the request for one additional FTE position for the Application Portfolio Division of Business Information Services (BIS) to provide technical support for the Emergency Operations and Training Facility in Fridley, now recommends approval of said request; and passage of the accompanying resolution appropriating \$95,000 to the Business Information Services (BIS) Department. Position funded jointly by the Fire Department, Police Department, and the Emergency Operations Center.

Adopted 10/16/2009.

RESOLUTION 2009R-492 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Department Fund by \$95,000 and increasing the Revenue Source by \$95,000.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the Qwest Master Network Interstate Service Agreement C-16465, including associated Site Agreements, now recommends:

- a) Extending the agreement for three (3) years with two (2) one-year renewal options; and
- b) Increase the contract value by \$1,900,000.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends approval of the November 2009 utility billing insert on behalf of the Public Works Department providing information about snow plowing, shoveling sidewalks and shoveling path to garbage carts and recycling bins.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget-Your Committee recommends passage of the accompanying resolution requesting the Board of Estimate to issue and sell City Minneapolis General Obligation Refunding Bonds in compliance with Minnesota Statutes.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-493, requesting the Board of Estimate and Taxation to issue and sell City Minneapolis General Obligation Refunding Bonds, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-493 By Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Refunding Bonds in an amount not to exceed \$36,620,000 for certain purposes other than the purchase of public utilities to refund outstanding various bonds meeting the requirements for refunding under Minnesota Statutes, Section 475.67, Subd. 3 and 12.

Resolved by the City Council of the City of Minneapolis (the "City"):

That, in order for the City to realize debt service savings, the Board of Estimate and Taxation is requested to incur indebtedness, issue and sell City of Minneapolis General Obligation Refunding Bonds pursuant to Minnesota Statutes, Section 475.67, as amended, and the City Charter to refund in advance of maturity all of the outstanding principal amount of the City's General Obligation Tax Increment Bonds, Series 1999B, dated July 1, 1999, issued in the original aggregate principal amount of \$16,150,000 and currently outstanding in the principal amount of \$6,125,000.

That, in order for the City to replace certain variable rate debt with fixed rate debt, the Board of Estimate and Taxation is requested to incur indebtedness, issue and sell City of Minneapolis General Obligation Refunding Bonds pursuant to Minnesota Statutes, Section 475.67, as amended, and the City Charter to refund in advance of maturity all or a portion of the following bond issues:

- (1) \$9,250,000 in principal amount of the City's General Obligation Convention Center Facilities Bonds, Series 1999, dated June 24, 1999, issued in the original aggregate principal amount of \$88,400,000;
- (2) \$10,000,000 in principal amount of the City's Convention Center Bonds, Series 2000, dated September 21, 2000, issued in the original aggregate principal amount of \$80,000,000; and
- (3) All of the outstanding principal amount of the City's Convention Center Refunding Bonds, Series 2004B, dated June 10, 2004, issued in the original aggregate principal amount of \$19,170,000, and currently outstanding in the amount of \$11,245,000.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration a decision by the City's Human Resources department to offer taxable incentives, to be funded by the Blue Cross and Blue Shield of Minnesota Tobacco Settlement fund, to certain employees who complete health assessments from January 1, 2009 through November 30, 2009; and that health assessment participants be entered into a random drawing to win one of 150 taxable incentives of \$150, now recommends that said decision be approved.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis' Voluntary Employee Child Care Discount program with New Horizon Academy, now recommends that the proper City officers be authorized to execute a contract to renew the discount program.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the establishment of the City of Minneapolis Transportation Benefit Plan and amendments to the City of Minneapolis Minneflex Plan, now recommends the following:

- a) Authorize the proper City officers to adopt the City of Minneapolis Transportation Benefits Plan, effective January 1, 2010; and amend the City's current contract with OptumHealth Financial Services to provide claims administration services for the plan and to increase such contract by an additional \$25,000. The Transportation Plan will replace the pre-tax parking program and will incorporate the City of Minneapolis Voluntary Employees' Metropass Program; and
- b) Authorize the proper City officers to execute amendments to the City of Minneapolis Minneflex Plan required to:
 - Clarify correction procedures related to debit card transactions.
- Lower the maximum annual reimbursement a participant may receive from the Minneflex medical expense reimbursement plan from \$20,000 to \$5,000.
- Adopt certain technical changes to comply with proposed IRS regulations governing the operation of cafeteria plans under Section 125 of the Internal Revenue Code.

Adopted 10/16/2009.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Affirmative Action Plan, now recommends approval of the updated plan, as set forth in Petn No 273838. Adopted 10/16/2009.

W&M/Budget - Your Committee recommends passage of the accompanying resolution. Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-494, relating to the spending of Federal Economic Renewal Grants to the City of Minneapolis, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-494 By Gordon

Spending of Federal Economic Renewal Grants to the City of Minneapolis.

Whereas, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

Whereas, those same Americans are the taxpayers who provide the revenue needed to operate essential government services; and

Whereas, Congress has approved and President Obama has signed into law a taxpayer sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects, and other projects that will require manufactured components; and

Whereas, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

Whereas, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

Whereas, any economic recovery plan spending should – to every extent possible – include a commitment from the City of Minneapolis to buy materials, goods and services for projects that are produced in the United States, thus employing the very workers who pay the taxes for the economic recovery plan spending in the first place;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the City of Minneapolis will work to maximize the creation of American jobs and restoration of economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

Be It Further Resolved that the City of Minneapolis commits to purchasing only products and services that are made or performed in the United States whenever and wherever possible with any economic recovery monies provided to the City of Minneapolis by the American taxpayers.

Be It Further Resolved that the City Council commits to publish any and all requests to waive the City's procurement policies to the extent allowed by state law and required in the federal legislation authorizing the economic recovery monies, so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

Adopted 10/16/2009.

Absent - Colvin Roy.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minnesota Ballpark Authority to vacate a segment of 3rd Avenue North between 5th Street North and 7th Street North (#1560), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said segment of a public street.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-495, vacating a segment of 3rd Avenue North between 5th Street North and 7th Street North, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-495 By Schiff

Vacating a segment of 3rd Avenue North between 5th Street North and 7th Street North (Vacation File No. 1560).

Resolved by The City Council of The City of Minneapolis:

All those parts of the following described properties:

ITASKA ST. (now known as 3rd Avenue North) as dedicated by Hoag's Addition to Minneapolis, according to the recorded plat thereof;

Together with

THIRD AVENUE NORTH, as dedicated by CAMP and WALKER'S ADDITION To MINNEAPOLIS, according to the recorded plat thereof;

Together with

THIRD AVENUE NORTH, as dedicated by "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis", according to the recorded plat thereof;

Together with

The right of way in all that part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 29, Range 24, Hennepin County, Minnesota, lying southwesterly of the southwesterly right of way line of SIXTH STREET as dedicated by Hoag's Addition to Minneapolis, according to the recorded plat thereof; and lying northerly of the northerly line of Block 2 of CAMP and WALKERS ADDITION TO MINNEAPOLIS, according to the recorded plat thereof; and lying southeasterly of the northeasterly extension of the southeasterly line of Block 2 of "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis", according to the recorded plat thereof.

that are embraced within the following described property:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis and the actual point of

beginning of the land to be described; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 293.66 feet to an intersection with

a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 112.72 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet; thence southeasterly on a nontangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of 35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis: thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning;

is hereby vacated.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minnesota Ballpark Authority to vacate part of Holden Street and 11th Street North (#1561), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said part of a public street.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-496, vacating a part of Holden Street and 11th Street North, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-496 By Schiff

Vacating a part of Holden Street and 11th Street North (Vacation File No. 1561).

Resolved by The City Council of The City of Minneapolis:

All those parts of the following described properties:

6TH ST. (now known as HOLDEN STREET) and GROVE ST. (now known as 11TH STREET NORTH) as dedicated by Wilson, Bell and Wagners Addition to Minneapolis, according to the recorded plat thereof;

that are embraced within the following described property:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis and the actual point of beginning of the land to be described; thence continue northeasterly on the last described curve. concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated

or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 293.66 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 112.72 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet; thence southeasterly on a nontangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of

35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning;

is hereby vacated.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minnesota Ballpark Authority to vacate part of 7th Street North between 3rd Avenue North and the BNSF Railroad (#1562), subject to retention of easement rights by Hennepin County, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said part of a public street.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-497, vacating all easement rights of the City of Minneapolis in that part of 7th Street North between 3rd Avenue North and the BNSF Railroad, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-497 By Schiff

Vacating all easement rights of the City of Minneapolis in that part of 7th Street North between 3rd Avenue North and the BNSF Railroad (Vacation File No. 1562).

Resolved by The City Council of The City of Minneapolis:

All those parts of the following described properties

SEVENTH STREET NORTH as dedicated by CAMP and WALKER'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof; and

SEVENTH STREET NORTH as dedicated by "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis", according to the recorded plat thereof; and

The right of way in the southwesterly 15.00 feet of Lot 7, Block 2, said "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis", according to the recorded plat thereof; and

The right of way in the unplatted parts of the Northeast Quarter of the Southwest Quarter of Section 22 Township 29 Range 24 lying northerly and northwesterly of the northwesterly line of said "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis", according to the recorded plat thereof; which were opened as Seventh Street North by City Council of the City of Minneapolis Resolution No. 377 dated August 2, 1889, approved August 7, 1889, filed as Document No. 2224042 and City Council of the City of Minneapolis Resolution No. 57 dated October 31, 1913, approved November 5, 1913; and

The right of way in all those parts of that certain property conveyed and quitclaimed to the County of Hennepin by the State of Minnesota as described in Document No. 4509116, filed in the Office of the Registrar of Titles, Hennepin County, Minnesota and Document No. 9152618, filed in the Office of the County Recorder, Hennepin County, Minnesota; which lie northeasterly of the northeasterly line of Block 3, "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis" and its northwesterly extension;

that are embraced within the following described property:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis and the actual point of beginning of the land to be described; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an

intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 293.66 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 112.72 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet; thence southeasterly on a nontangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet; thence southeasterly on a reverse curve concave to the southwest. having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of 35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning;

Together with:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 423.34 feet to the actual point of beginning of the land to be described: thence continuing North 41 degrees 16 minutes 32 seconds East a distance of 100.59 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 79.29 feet; thence North 89 degrees 05 minutes 16 seconds West a distance of 36.08 feet; thence South 55 degrees 55 minutes 30 seconds West a distance of 90.31 feet; thence southwesterly on a non-tangential curve, concave to the southeast, having a radius of 1642.42 feet, a central angle of 05 degrees 11 minutes 20 seconds and a chord which bears South 48 degrees 44 minutes 41 seconds West, a distance of 148.75 feet; thence South 41 degrees 16 minutes 32 seconds West not tangent to said curve a distance of 98.41 feet; thence North 48 degrees 43 minutes 28 seconds West a distance of 52.45 feet to the point of beginning.

are hereby vacated except that such vacation shall be subject to the highway rights of Hennepin County which were granted pursuant to that certain Quitclaim Deed recorded June 27, 2008, as document 4509116 in the Office of the Registrar of Titles, Hennepin County, Minnesota

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minnesota Ballpark Authority to vacate part of the Minnesota Department of Transportation (MNDoT) turn-back (10th Street North and 3rd Avenue North) as conveyed by quitclaim by MNDoT to Hennepin County per Doc. No.'s 4509116 & 9152618 that lie within Minnesota Ballpark Authority and Hennepin County properties (#1563), subject to retention of easement rights by Hennepin County, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said turnback.

Adopted 10/16/2009.

Absent - Colvin Roy.

Resolution 2009R-498, vacating all easement rights of the City of Minneapolis in those parts of 10th Avenue North and 3rd Avenue North which lie within the following described location, was adopted 10/16/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-498 By Schiff

Vacating all easement rights of the City of Minneapolis in those parts of 10th Avenue North and 3rd Avenue North which lie within the following described location (Vacation File No. 1563).

Resolved by The City Council of The City of Minneapolis:

The right of way in all those parts of that certain property conveyed and quitclaimed to the County of Hennepin by the State of Minnesota as described in Document No. 4509116, filed in the Office of the Registrar of Titles, Hennepin County, Minnesota and Document No. 9152618, filed in the Office of the County Recorder, Hennepin County, Minnesota; which lie southwesterly of the northeasterly line of Block 3, "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis" and its northwesterly extension; that are embraced within the following described properties:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis and the actual point of beginning of the land to be described; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S

ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 293.66 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 112.72 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet; thence southeasterly on a nontangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance

of 62.62 feet to the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of 35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning;

Together with:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6, Wilson Bell and Wagner's Addition to Minneapolis; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and a central angle of 26 degrees 04 minutes 18 seconds and a chord which bears North 54 degrees 18 minutes 42 seconds East, a distance of 77.37 feet; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 423.34 feet to the actual point of beginning of the land to be described; thence continuing North 41 degrees 16 minutes 32 seconds East a distance of 100.59 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 79.29 feet; thence North 89 degrees 05 minutes 16 seconds West a distance of 36.08 feet; thence South 55 degrees 55 minutes 30 seconds West a distance of 90.31 feet; thence southwesterly on a non-tangential curve, concave to the southeast, having a radius of 1642.42 feet, a central angle of 05 degrees 11 minutes 20 seconds and a chord which bears South 48 degrees 44 minutes 41 seconds West, a distance of 148.75 feet; thence South 41 degrees 16 minutes 32 seconds West not tangent to said curve a distance of 98.41 feet; thence North 48 degrees 43 minutes 28 seconds West a distance of 52.45 feet to the point of beginning.

are hereby vacated except that such vacation shall be subject to the highway rights of Hennepin County which were granted pursuant to that certain Quitclaim Deed recorded June 27, 2008, as document 4509166 in the Office of the Registrar of Titles, Hennepin County, Minnesota.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Minneapolis Department of Community Planning and Economic Development (BZZ-4527) to rezone the property at 1813 3rd Street South from C3A to the C2 Neighborhood Corridor Commercial District, retaining the PO Pedestrian Oriented Overlay District, to match the existing zoning of parcels that will be under common ownership, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/16/2009.

Ordinance 2009-Or-110 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1813 3rd Street South to the C2 District, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-110 By Schiff 1st & 2nd Readings: 10/16/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of the westerly 24.00 feet of the most northerly 114.00 feet of Outlot A and the westerly 4.70 feet of the southerly 2.20 feet of the most northerly 116.20 feet of said Outlot A, Cedar Riverside Addition, according to the recorded plat thereof, Hennepin County, Minnesota, (1813 3rd Street South - Plate 21) to the C2 District.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Minneapolis Department of Community Planning and Economic Development (BZZ-4529) to rezone the property at 1215 Marshall Street NE from C1 and R5 to the C1 Neighborhood Commercial District to prevent the creation of split zoning on the lot and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/16/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-111 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1215 Marshall Street NE to the C1 District, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-111

By Schiff
1st & 2nd Readings: 10/16/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357: Those parts of Lot 7, Block 11, Orth and Hechtman's Addition to the City of St. Anthony according to the recorded plat thereof, Hennepin

County, Minnesota and of Block 1, Orth's Addition To the Town of St. Anthony according to the recorded plat thereof, said Hennepin County and of vacated Twelfth Avenue Northeast, adjoining the southeasterly line of said Block 11, described as follows: Commencing at the most westerly corner of said Block 1; thence southeasterly, along the southwesterly line of said Block 1, a distance of 189.05 feet to the point of beginning of the parcel to be described; thence northeasterly, parallel with the southeasterly line of said Block 1, a distance of 241.37 feet; thence southeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds to the Intersection with a line 130.00 feet northwesterly of and parallel with the southeasterly line of said Block 1 and its northeasterly extension; thence southwesterly, along the last described parallel line, to the southwesterly line of said Block 1; thence northwesterly to the point of beginning and there terminating, (1215 Marshall Street NE - Plate 9) to the C1 District.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Shree Investments, LLC, (BZZ-4523) to rezone the property at 2912 Pleasant Avenue South from I2 to the R5 Multiple-Family District to permit a multiple family dwelling with four units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/16/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-112 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, rezoning the property at 2912 Pleasant Avenue South to the R5 District, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-112

By Schiff
1st & 2nd Readings: 10/16/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 4, Block 5, Excelsior Addition to Minneapolis, Hennepin County, Minnesota, (2912 Pleasant Avenue South - Plate 25) to the R5 District.

Adopted 10/16/2009.

Absent - Colvin Roy.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, (to amend the permitted uses in the Office Residence Districts to allow for medical and dental laboratories) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 10/16/2009.

Ordinance 2009-Or-113 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending portions of Table 547-1 to permit medical or dental laboratories in the Office Residence Districts, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-113
By Schiff
Intro & 1st Reading: 5/22/2009
Ref to: Z&P
2nd Reading: 10/16/2009

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 547-1 of the above-entitled ordinance be amended to read as follows:

Table 547-1 Principal Uses in the Office Residence Districts

Use	OR1	OR2	OR3	Specific Dev.
				Standards
INSTITUTIONAL AND PUBLIC USES				
Medical Facilities				
Laboratory, medical or dental		<u>P</u>	<u>P</u>	
Adopted 10/16/2009.				
Absent - Colvin Roy.				

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, (to revise the definition of story to allow the first story of a building to exceed 14 feet in height) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 10/16/2009. Absent - Colvin Roy.

Ordinance 2009-Or-114 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, amending Section 520.160 to revise the definition of story to allow the first story of a building to exceed 14 feet in height, was adopted 10/16/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-114
By Goodman
Intro & 1st Reading: 8/28/2009
Ref to: Z&P
2nd Reading: 10/16/2009

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

Section 1. That the following definition in Section 520.160 of the above-entitled ordinance be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Where a portion of a building included between the upper surface of any floor and the upper surface of the floor next above exceeds fourteen (14) feet in height, each fourteen (14) feet or fraction thereof is considered a story except that the first story may be up to twenty (20) feet in height for all buildings other than single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units. If the finished floor level surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story.

Adopted 10/16/2009. Absent - Colvin Roy.

UNFINISHED BUSINESS

A Public Safety & Regulatory Services Committee report relating to Bootleggers at 323 1st Ave N (On-Sale Liquor Class A with Sunday Sales License) was postponed 10/16/2009.

NEW BUSINESS

Samuels moved to introduce ordinances amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, for first reading and referral to the Public Safety & Regulatory Services Committee:

- a. Adding a new section on animal cruelty.
- b. Providing hearing officers in dangerous and potentially dangerous animal appeals increased authority to impose restrictions; and Requiring the owners of cats as well as dogs to prevent their animals from injuring others whether on or off the owner's property; and Authorizing Animal Care & Control to require puppies of dangerous and potentially dangerous dogs to be spayed or neutered; and Limiting the number of discounted "sibling" animal licenses per household to two; and Requiring owners of declared animals to immediately report if their declared animal runs away. Seconded.

Adopted by unanimous consent 10/16/2009.

Samuels moved to introduce an ordinance amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Fowl, Pigeons, and Other Small Animals*, for first reading and referral to the Public Safety & Regulatory Services Committee (increasing the fees for small animal and multiple animal permits). Seconded.

Adopted by unanimous consent 10/16/2009.

Absent - Colvin Roy.

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Regulations Involving Minors*, adopting a social host ordinance to discourage underage consumption of alcohol by imposing penalties on those who host events or gatherings where underage persons possess or consume alcohol.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Nancy Johnson v. City of Minneapolis*, et al. lawsuit. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

Room 315 City Hall

Minneapolis, Minnesota

October 16, 2009 - 10:43 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, President Johnson.

Absent - Council Member Colvin Roy.

Jim Moore, Assistant City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Nancy Johnson v. City of Minneapolis, et al.* lawsuit.

At 10:44 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Samuels, Colvin Roy.

Present - Benson, Goodman, Hodges, Samuels (In at 11:00 a.m.), Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Johnson.

Absent - Colvin Roy.

Also present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore, Assistant City Attorney; Scott Gerlicher, Police Department; Tina Smith, Mayor's Office; Tina Sanz, Interim Assistant City Clerk; and Anne Roth, City Clerk's Office.

Moore summarized the *Nancy Johnson v. City of Minneapolis, et al.* lawsuit from 10:45 a.m. to 11:04 a.m.

At 11:04 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

Hodges moved to approve the settlement of the case of *Nancy Johnson v. Minneapolis Police Department*, United States District Court File No. 08-CV-359 MJD/AJB with payment of \$65,000.00 to Nancy Johnson and her attorney Stephen Smith. The payment shall be from Fund/Org. 06900-

1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 10/16/2009.

Absent - Colvin Roy.

Lilligren moved to adjourn. Seconded. Adopted upon a voice vote 10/16/2009.

Absent - Colvin Roy.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Tina Sanz, Interim Assistant City Clerk

Unofficial Posting: 10/20/2009 Official Posting: 10/23/2009 Corrections: 12/3/2009